

REMARKS

Applicants thank the Examiner for the very thorough consideration given the present application. Claims 1-12 and 14 are now in the application and claim 1 is independent. The Office Action dated March 4, 2010 has been received and carefully reviewed. Each issue raised in the Office Action is addressed below. Reconsideration and allowance of the present application are respectfully requested in view of the following remarks.

Clarification

Applicants note that claims 1-12 and 14 have been indicated as allowed on line 5 of the PTOL-326, but all of the claims stand rejected on prior art on pages 2-10 of the Office Action. Applicants will presume for the purposes of this response that the claims stand rejected, but if this assumption is incorrect, Applicants would be pleased to receive a corrected action indicating allowance.

Claim Rejections – 35 U.S.C. § 103

Claims 1-3, 6, 9, 10 and 14 stand rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Pat. No. 3,144,971 to Wommelsdorf in view of U.S. Pat. No. 4,280,652 to Schmidt. Applicants submit the Examiner has failed to establish a *prima facie* case of obviousness and respectfully traverse the rejection. A complete discussion of the Examiner's rejection is set forth in the Office Action, and is not being repeated here.

In order to establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a), the cited references must teach or suggest each and every element in the claims. See MPEP § 706.02(j) and MPEP §§ 2141-2144.

While not conceding the appropriateness of the Examiner's rejection, but merely to advance prosecution of the instant application, Applicants respectfully submit that independent claim 1 has been amended to recite a combination of elements in a cup package including the lid being in partially nested relationship with the cup, attachment of the lid being based on friction and compression between the inner surface of the cup and the lid, and in that adjacent mouth rolls are provided at the mouth of the cup and the edge of the lid, the mouth rolls extending

radially outwards and acting as grip bases when the lid is opened. Support for the mouth rolls extending outwards can be found, for example, on page 6, lines 25-27, of the specification. According to page 6, lines 34-35, the lid is made in the same manner. See also original claims 11 and 12 and Figure 2. Applicants respectfully submit that this combination of elements as set forth in independent claim 1 is not disclosed or made obvious by the prior art of record, including Wommelsdorf and Schmidt.

Wommelsdorf shows a cup with a mouth roll but fails to show or suggest a lid. Schmidt describes a cover or lid with a “curved edge 16”, but the curved edge is projects radially inwards from the container mantle. The curved edge of Schmidt might stiffen the container, but clearly could not be used as a grip base for fingers as the container is opened. Thus, Wommelsdorf and Schmidt, either alone or in combination, fail to show or suggest the invention now recited. Applicants respectfully submit that the combination of elements as set forth in independent claim 1 is not disclosed or made obvious by the prior art of record, including Wommelsdorf and Schmidt, for the reasons explained above. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

Claims 4, 5, 7, 8 and 12 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Wommelsdorf in view of Schmidt, and further in view of Wanderer, of record. This rejection is also respectfully traversed. Wanderer was cited to show stacking ring construction 26 and rim or lip portions 48 and 88 having protrusions 68, 70 and 72. However, Wanderer fails to show or suggest adjacent mouth rolls are provided at the mouth of the cup and the edge of the lid, the mouth rolls extending radially outwards and acting as grip bases when the lid is opened, and therefore cannot remedy the defects of Wommelsdorf and Schmidt as discussed in detail above. Reconsideration and withdrawal of this rejection are respectfully requested.

Claim 11 stands rejected under 35 U.S.C. § 103(a) as unpatentable over Wommelsdorf in view of Schmidt, and further in view of U.S. Pat. No. 5,431,619 to Bacon et al. (“Bacon”). This rejection is also respectfully traversed. Bacon was cited to show techniques for bending the mouth of a container so as to form a mouth roll. However, Bacon only discloses manufacturing

dies 50 and sleeves 62, 64 and 66 for forming rolled lips and fails to show or suggest adjacent mouth rolls are provided at the mouth of the cup and the edge of the lid, the mouth rolls extending radially outwards and acting as grip bases when the lid is opened, and therefore cannot remedy the defects of Wommelsdorf and Schmidt as discussed in detail above. Reconsideration and withdrawal of this rejection are respectfully requested.

Conclusion

All objections and rejections raised in the Office Action having been properly traversed and addressed, it is respectfully submitted that the present application is in condition for allowance. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Notice of same is earnestly solicited.

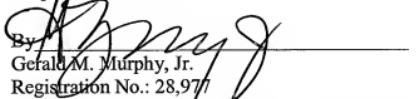
Prompt and favorable consideration of this Amendment is respectfully requested.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone Paul T. Sewell, Registration No. 61,784, at (703) 205-8000, in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 CFR §§ 1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,


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